REMARKS

The Office Action dated January 25, 2008 (the "Office Action") rejected all pending claims in this application, which include claims 1, and 3-30 and independent claims 1 and 15. Following entry of the present Response and Amendment, claims 1, and 3-30 still remain pending in this application.

In the Office Action, claims 1, and 3-30 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,099,320 to Papadopoulos (henceforth, "Papadopoulos"), in view of U.S. patent application publication No. 2005/0192954 to Gupta et al. (henceforth, "Gupta"), U.S. patent application publication No. 2002/0173999 to Griffor et al. (henceforth, "Griffor"), U.S. patent application publication No. 2002/0064766 to Cozens et al. (henceforth, "Cozens"), and U.S. patent application publication No. 2007/0061183 to Seetharaman et al. (henceforth, "Seetharaman"). These rejections are the same as those previously made of record in the prior Office Action, and to which Applicant responded in its prior paper.

In the present Response and Amendment After Final, independent claims 1 and 15 have herein been amended to further clarify the patentable aspects of the invention. In particular, both claims have been amended to further clarify the distinctions that Applicant argued previously in its prior paper. As noted in Applicant's prior paper, the learning solutions of the prior art, including those cited against Applicant's claims, do not consider integrating the different aspects of content development and content delivery into a single learning solution, let alone collecting certain data from the different platforms supporting these different aspects in a centralized and automated manner. The Office Action seems confused by the Applicant's (prior) use of the terms "compiling," "compilation," and "generation" as used in the independent claims (e.g., "said content development platform is adapted to record performance metrics during compilation of instructional materials and generation of electronic learning content" (emphasis supplied)).

In particular, the Office Action appears to be construing the terms "compilation" and "generation" of Applicant's prior claims as referring to the automated acts of electronic data processing by a computer system that are normally associated with the transmission of electronic data (See Office Action at ¶ 22-23). With regard to the invention, however, Applicant was using

these terms specifically in the context of a human designing and developing course materials. This aspect of the invention, for example, is supported by Applicant's specification at pg. 21, and made clear by Applicant's recitation in various dependent claims (e.g., reciting tracking by the invention of development ratios relating to man hours expended on developing content).

To help clarify the claims, claims 1 and 15 have been amended to now recite, *inter alia*, that the "content development platform is adapted to record performance metrics during authoring of instructional materials and generation of electronic learning content by course authors." Thus, independent claim 1 describes a resource synchronization tool that enables collection and comparison of data involving all aspects of the learning solution, from initial content development by authors through content delivery to end users. Independent claim 15 contains corresponding limitations of nearly identical language, giving all independent claims similar grounds for distinguishing the prior art. For the reasons Applicant previously made of record, such is not taught by the prior art references of record.

Specifically, the Office Action notes that Papadopoulos does not teach electronic delivery platform adapted to record performance metrics, or even a content development platform adapted to do so. Gupta, however, is relied upon as allegedly teaching a delivery system that records perform metrics during delivery of content, and thus as "inherently" also teaching a content development platform containing electronic tools for receiving input relating to the compiling of instructional materials and generating electronic learning content as recited in Applicant's claims. The differences between a content development platform (as described in Applicant's specification with respect to element 410 of FIG. 4), which has tools that enable an author to author prepare instruction materials, and an electronic delivery platform (element 430 of FIG. 4), which transmits the *already prepared* materials and content to end users, are made apparent by Applicant's specification, and now are recited explicitly in Applicant's present claims. Gupta is concerned *only* with the electronic delivery of pre-existing content and materials to students. Any performance metrics recorded by Gupta are collected solely by an electronic content delivery system and relate solely to measuring data incidental to delivery of pre-existing content to students (e.g., what content to which students, electronic test scores, etc.). Thus, the delivery of pre-existing materials as disclosed by Gupta cannot be said to inherently disclose the authoring and generation of materials and content by an author, let alone the collection of any metrics data

during those acts of authoring and generation.

Thus, the Office Action's wholly improper reliance upon non-existent "inherent" disclosures of Gupta provides the only basis on the record for teaching, suggesting, or otherwise rendering obvious the tracking of performance metrics collected by a content delivery platform and a content development platform.

In sum, none of Papadopoulos, Gupta, or remaining prior art references of record (namely Griffor, Cozens, and Seetharaman) describe a synchronization tool for collecting performance metrics that measure aspects of authoring, generation, *and* delivery, and then using such metrics for the preparation of cost allocation reports that reflect all aspects of an end-to-end learning solution (development and delivery) as recited in Applicant's claims. Mere allegations by the Office Action that cost allocations are known (e.g., with reference to Cozens) or that development ratios can be tracked (e.g., with reference to Seetharaman) does not provide a basis for concluding that one of ordinary skill in the art would find obvious Applicant's recited novel systems for integrating disparate aspects of a learning solution. In fact, that none of the five references of record attempt such a solution clearly weighs against such a conclusion.

All claims are thus allowable for the failure of the art to disclose, teach, suggest, or otherwise render obvious the combination of features recited in Applicant's claims.

Entry of the amendments and remarks made herein is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout the prosecution and merely conform Applicant's claim language to prior remarks); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

Favorable reconsideration of the claims is requested, including removal of the rejections and the issuance of a timely Notice of Allowance.

Conclusion

In view of the foregoing, the Applicant respectfully requests that the Examiner reconsider the claims as amended and in light of the above remarks. A timely allowance of all of the pending claims is requested.

Applicant has not herein introduced new claims nor requested any extensions of time. Therefore, no fees are believed to be due at this time. If, however, there are any other fees due in connection with the filing of this Response, or if the appropriate extension fee amount has not been authorized on the Transmittal document, please charge any necessary fees to Deposit Account No. 50-1349.

Considering the indication of significant allowable subject matter, the Examiner is requested to contact Applicants' undersigned attorneys by telephone to discuss any matters if the Examiner feels such discussions may expedite the progress of the present application toward allowance and avoid the need for an advisory action.

Respectfully submitted,

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